

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
62nd LEGISLATURE - REGULAR SESSION**

**HOUSE STATE ADMINISTRATION COMMITTEE**

**Date:** Thursday, March 17, 2011  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 455

**BILLS and RESOLUTIONS HEARD:**

SB 338 - Revise laws regarding certain officials and public service announcements

**EXECUTIVE ACTION TAKEN:**

SB 3  
SB 204  
SB 227  
SB 291  
SB 307  
Hb 513

**Comments:**

  
REP. Pat Ingraham, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-12-11

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. Jerry BENNETT, VICE CHAIR	X	
REP. GORDON HENDRICK	X	
REP. BRYCE BENNETT	X	
REP. TOM MCGILLVRAY		Excused
REP. DOUGLAS KARY	X	
REP. FRANK SMITH	X	
REP. PAT CONNELL	X	
REP. JOANNE BLYTON	X	
REP. JEAN PRICE	X	
REP. KATHY SWANSON		Excused
REP. DEREK SKEES	X	
REP. FRANKE WILMER, VICE CHAIR	X	
REP. JAMES KNOX	X	
REP. BETSY HANDS	X	
REP. DAN KENNEDY	X	
REP. TED WASHBURN		Excused
REP. GARY MACLAREN	X	
REP. PAT INGRAHAM, CHAIR	X	



## HOUSE STANDING COMMITTEE REPORT

March 17, 2011

Page 1 of 3

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 307** (third reading copy -- blue) be concurred in as amended.

Signed: \_\_\_\_\_

*Pat Ingraham*  
Representative Pat Ingraham, Chair

To be carried by Representative James Knox

**And, that such amendments read:**

1. Title, line 4.

**Following:** "ACT"

**Insert:** "REVISING THE PRIVATIZATION PLAN REVIEW PROCESS;"

2. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 2-8-102,"

**Following:** "2-8-105,"

**Insert:** "2-8-301, AND 2-8-304,"

3. Page 1, line 23.

**Following:** line 22

**Insert:** "Section 2. Section 2-8-102, MCA, is amended to read:

"2-8-102. **Definitions.** As used in this part, the following definitions apply:

(1) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive department of state government.

(2) "Performance audit" means an examination of the effectiveness of administration and its efficiency and adequacy in terms of the program of a state agency authorized by law to be performed and the conformance of expenditures with legislative intent. Audits conducted shall include an analysis of the

**Committee Vote:**

**Yes 12, No 6**

Fiscal Note Required ☐

SB0307001SC08082.hgh

11/2/11  
12/1/11

operation of the agency, with special regard to the duplication of efforts between the audited agency or program and other agencies or programs and the quality of service being rendered.

(3) "Privatization" means to transfer control or management of an agency, program, or service from the public sector to the private sector.

~~(3)~~(4) "Program" means any legislatively or administratively created function, project, or duty of an agency.""

**Renumber:** subsequent sections

4. Page 2, line 7.

**Strike:** "recommendations"

**Insert:** "a report"

5. Page 2, line 8.

**Strike:** "in the form of a report"

6. Page 2, line 11.

**Following:** line 10

**Insert:** "Section 4. Section 2-8-301, MCA, is amended to read:

"2-8-301. **Definitions.** As used in this part, the following definitions apply:

(1) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive, legislative, or judicial branch of state government.

(2) "Private sector" means any entity or individual not principally a part of or associated with a governmental unit that is associated with or involved in commercial activity.

(3) (a) "Privatize" means ~~an agency contracting with the private sector to provide services that are currently or normally conducted directly by the employees of the state to transfer control or management of an agency, program, or service from the public sector to the private sector.~~

(b) The term does not include contracting with the private sector to provide services ~~on a temporary or emergency basis.~~

(4) "Program" means a legislatively or administratively created function, project, or duty of an agency.""

**Insert:** "Section 5. Section 2-8-304, MCA, is amended to read:

"2-8-304. **Review of privatized programs.** (1) If during audits of state agencies, the legislative auditor identifies programs being conducted by an agency under contract that may be administered more cost-effectively directly by the agency or identifies services performed by an agency that may be performed more cost-effectively by the private sector, the legislative auditor shall submit this information to the legislative audit committee.

~~(2) Members of the public, elected bargaining agents or employee representatives, elected officials, legislators, and~~

~~agency directors may submit to the legislative audit committee a request to review programs being conducted under contract by an agency that may be administered more cost effectively directly by the agency.~~

~~(3)~~(2) The office of budget and program planning ~~shall~~ may submit to the legislative audit committee, by July 1 of each odd-numbered year:

(a) a list of all programs accounted for in an enterprise fund or an internal service fund; and

(b) a request for privatization review under subsection (1) of at least two of the programs identified in subsection ~~(3)(a)~~ (2)(a), including any available information and criteria required under 2-8-303.

~~(4)~~(3) The legislative audit committee shall review the information and requests provided under ~~subsections~~ subsection (1) ~~and (2)~~ and may direct the legislative auditor to conduct a review of any contracted program or program administered directly by the agency, or both. The review must include a report to the legislative audit committee that includes the information required in a privatization plan under 2-8-303.

~~(5)~~(4) The report required by subsection ~~(4)~~ (3) must be provided to the legislative audit committee and released to the public. Not less than 30 days after the release of the report, the legislative audit committee shall conduct a public hearing on the report at which public comments and testimony must be received. Upon completion of the hearing on the report, the legislative audit committee may make recommendations that it believes appropriate concerning the program.""

**Renumber:** subsequent sections

- END -



## HOUSE STANDING COMMITTEE REPORT

March 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 3** (third reading copy -- blue) be concurred in.

Signed:

  
Representative Pat Ingraham, Chair

To be carried by Representative Gordon Hendrick

- END -

**Committee Vote:**

**Yes 17, No 1**

Fiscal Note Required ☐

SB0003001SC03841.hgh

*Handwritten initials/signature*

## BILL TABLED NOTICE

### HOUSE STATE ADMINISTRATION COMMITTEE

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED

**SB 204 - Increase minimum number of signatures to qualify Constitutional initiative**

**SB 291 - Disclosure of state publications and media expenses**

, by motion, on **Thursday, March 17, 2011.**



\_\_\_\_\_  
(For the Committee)



\_\_\_\_\_  
(For the Chief Clerk of the House)

7:30 3/18  
(Time) (Date)

March 18, 2011

Tim Stark, Secretary

Phone: 4847  
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## HOUSE STANDING COMMITTEE REPORT

March 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 513** (first reading copy -- white) **do pass as amended**.

Signed: \_\_\_\_\_

*Pat Ingraham*  
Representative Pat Ingraham, Chair

**And, that such amendments read:**

1. Title, page 1, line 14 through line 16.

**Strike:** "REQUIRING" on line 14 through "COIN;" on line 16

2. Title, page 1, line 17.

**Strike:** "19-20-501,"

3. Page 22, line 9 through line 27.

**Strike:** section 25 in its entirety

**Renumber:** subsequent sections

- END -

**Committee Vote:**

**Yes 11, No 7**

**Fiscal Note Required** ☐

HB0513001SC.hgh

*Handwritten initials and date:*  
3/17/11



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-12-11 BILL NO SB 3 MOTION NO. \_\_\_\_\_  
 MOTION: to amend

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR	X		
REP. FRANKE WILMER, VICE CHAIR		X	
REP. GORDON HENDRICK		X	
REP. BRYCE BENNETT		X	
REP. TOM MCGILLVRAY	X		X
REP. DOUGLAS KARY	X		
REP. FRANK SMITH		X	
REP. PAT CONNELL		X	
REP. JOANNE BLYTON	X		
REP. JEAN PRICE		X	
REP. KATHY SWANSON		X	X
REP. DEREK SKEES	X		
REP. JAMES KNOX	X		
REP. BETSY HANDS		X	
REP. DAN KENNEDY	X		
REP. TED WASHBURN	X		X
REP. GARY MACLAREN		X	X
REP. PAT INGRAHAM, CHAIR	X		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-17-11 BILL NO SR 3 MOTION NO. \_\_\_\_\_  
 MOTION: Do pass/Reconciled in

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR	X		
REP. FRANKE WILMER, VICE CHAIR	X		
REP. GORDON HENDRICK	X		
REP. BRYCE BENNETT	X		
REP. TOM MCGILLVRAY	X		X
REP. DOUGLAS KARY	X		
REP. FRANK SMITH	X		
REP. PAT CONNELL	X		
REP. JOANNE BLYTON	X		
REP. JEAN PRICE	X		
REP. KATHY SWANSON	X		X
REP. DEREK SKEES	X		
REP. JAMES KNOX	X		
REP. BETSY HANDS	X		
REP. DAN KENNEDY		X	
REP. TED WASHBURN	X		X
REP. GARY MACLAREN	X		X
REP. PAT INGRAHAM, CHAIR	X		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-17-11 BILL NO SD 307 MOTION NO. \_\_\_\_\_  
 MOTION: to amend

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR	<input checked="" type="checkbox"/>		
REP. FRANKE WILMER, VICE CHAIR		<input checked="" type="checkbox"/>	
REP. GORDON HENDRICK	<input checked="" type="checkbox"/>		
REP. BRYCE BENNETT		<input checked="" type="checkbox"/>	
REP. TOM MCGILLVRAY	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
REP. DOUGLAS KARY	<input checked="" type="checkbox"/>		
REP. FRANK SMITH		<input checked="" type="checkbox"/>	
REP. PAT CONNELL	<input checked="" type="checkbox"/>		
REP. JOANNE BLYTON	<input checked="" type="checkbox"/>		
REP. JEAN PRICE		<input checked="" type="checkbox"/>	
REP. KATHY SWANSON		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DEREK SKEES	<input checked="" type="checkbox"/>		
REP. JAMES KNOX	<input checked="" type="checkbox"/>		
REP. BETSY HANDS		<input checked="" type="checkbox"/>	
REP. DAN KENNEDY	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
REP. TED WASHBURN	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
REP. GARY MACLAREN	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
REP. PAT INGRAHAM, CHAIR	<input checked="" type="checkbox"/>		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-17-11 BILL NO SB 307 MOTION NO. \_\_\_\_\_  
 MOTION: Do pass Do concur in as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR	x		
REP. FRANKE WILMER, VICE CHAIR		x	
REP. GORDON HENDRICK	x		
REP. BRYCE BENNETT		x	
REP. TOM MCGILLVRAY	x		x
REP. DOUGLAS KARY	x		
REP. FRANK SMITH		x	
REP. PAT CONNELL	x		
REP. JOANNE BLYTON	x		
REP. JEAN PRICE		x	
REP. KATHY SWANSON		x	x
REP. DEREK SKEES	x		
REP. JAMES KNOX	x		
REP. BETSY HANDS		x	
REP. DAN KENNEDY	x		x
REP. TED WASHBURN	x		
REP. GARY MACLAREN	x		
REP. PAT INGRAHAM, CHAIR	x		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-17-11 BILL NO. #B 513 MOTION NO. \_\_\_\_\_  
 MOTION: to table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR		<input checked="" type="checkbox"/>	
REP. FRANKE WILMER, VICE CHAIR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
REP. GORDON HENDRICK	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
REP. BRYCE BENNETT			
REP. TOM MCGILLVRAY		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DOUGLAS KARY	<input checked="" type="checkbox"/>		
REP. FRANK SMITH	<input checked="" type="checkbox"/>		
REP. PAT CONNELL		<input checked="" type="checkbox"/>	
REP. JOANNE BLYTON		<input checked="" type="checkbox"/>	
REP. JEAN PRICE	<input checked="" type="checkbox"/>		
REP. KATHY SWANSON	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
REP. DEREK SKEES		<input checked="" type="checkbox"/>	
REP. JAMES KNOX		<input checked="" type="checkbox"/>	
REP. BETSY HANDS	<input checked="" type="checkbox"/>		
REP. DAN KENNEDY		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. TED WASHBURN		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. GARY MACLAREN	<input checked="" type="checkbox"/>		
REP. PAT INGRAHAM, CHAIR		<input checked="" type="checkbox"/>	

8 / 10

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE: 3-17-11 BILL NO. 10 312 MOTION NO. \_\_\_\_\_  
 MOTION: Do pass as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GERALD BENNETT, VICE CHAIR	X		
REP. FRANKE WILMER, VICE CHAIR		X	
REP. GORDON HENDRICK	X		
REP. BRYCE BENNETT		X	
REP. TOM MCGILLVRAY	X		X
REP. DOUGLAS KARY	X		
REP. FRANK SMITH		X	
REP. PAT CONNELL	X		
REP. JOANNE BLYTON	X		
REP. JEAN PRICE		X	
REP. KATHY SWANSON		X	X
REP. DEREK SKEES	X		
REP. JAMES KNOX	X		
REP. BETSY HANDS		X	
REP. DAN KENNEDY	X		
REP. TED WASHBURN	X		
REP. GARY MACLAREN		X	X
REP. PAT INGRAHAM, CHAIR	X		

# PROXY VOTE

I, the undersigned, hereby authorize Representative or Senator W. Miller  
to vote my proxy on any issue before the State Admin Committee held on  
3/17, 2011 Veteran's Affairs

Signed Kathy Swanson Date 3/17/11  
Representative/Senator

<u>Bill / Amendment #</u>	<u>Vote</u>
SB 3 SB000301. asc	no (failed to vote)
SB 3	yes
SB 204 - table	may
SB 227 SB022701. asc	aye
SB 224 motion w/d.	NO.
SB 307 <del>SB0307</del> SB030701. asc	NO
SB 307	NO
SB 513	NO
SB 513 To table	yes
SB 513 Amend	yes
SB 291 table	yes

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the State And

Committee because of other commitments. I desire to leave my proxy vote with:

Jimmy Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

SB 3	X	
<del>Do not</del> Amend 000301 ASC	X	
SB 204 to table	X	
<del>will be</del> SB 227		
<del>Pass for</del> SB 22701 ASC	X	
SB 307	X	
AM SB 030701 ash	X	
<del>HB 513</del>		
and HB 051301 asc	X	
Motion to table SB 291	X	
Motion to table HB 513		X
SB 227 be amended.	X	


Rep.

Ted Whelan  
(Signature)

Date

3/17/11



**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the STATE ASM

**Committee because of other commitments. I desire to leave my proxy vote with:**

James Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

**BILL/AMENDMENT**

**AYE NO**

**BILL/AMENDMENT**

**AYE NO**

SB 3	X	
Amend 301. HSC	<del>X</del>	Y
SB 204	X	<del>X</del>
<del>SB 227</del>		
<del>SB 022701 HSC</del>	<del>Y</del>	
SB 307	X	
SB 030701 ash	Y	
HB 513		X
<del>Amend 227</del> HB 227 051301. ash	Y	
SB 291	X	
<del>HB 513</del>	<del>X</del>	<del>X</del>
SB 227 Be Amend	X	Y

[illegible]

Rep.

**(Signature)**

Date 3/17/11

# AUTHORIZED COMMITTEE PROXY

*STATE ADM*

I request to be excused from the ~~Finance~~ Committee because of other commitments.

I desire to leave my proxy vote with:

*Jerry Bennett*

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO BILL/AMENDMENT

AYE

NO

SB 3	X	
<i>DO NOT CONCERN</i> AMD 000301 ASC	X	
SB 204 to table		X
<del>SB 227</del>		
<i>PASS FOR DAY</i> <del>SB 000301 ASC</del>		
SB 307	X	
SB 030701 Ash	X	
HB 513	X	
<i>AMD</i> HB 051301 asc	X	
<i>MOTION TO</i> <del>SB</del> table SB 291	X	
<i>MOTION TO</i> table HB 513	X	X
SB 227 Be Amend	X	


Rep.

*Thm Riley*

(Signature)

Date

*3/17/11*

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the State Admin : Veterans Affairs

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Wilmer

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
<i>move to table</i> 58 204		✓

BILL/AMENDMENT	AYE	NO

Rep. *Patricia H. S.*  
(Signature)

Date \_\_\_\_\_

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the State adm

**Committee because of other commitments. I desire to leave my proxy vote with:**

Jany Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

**BILL/AMENDMENT**

**AYE NO**

## BILL/AMENDMENT

**AYE NO**

move  
to table

[illegible][illegible]

Rep. \_\_\_\_\_  
(Signature)

Date 3/17/11

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the STATE ADMINISTRATION

Committee because of other commitments. I desire to leave my proxy vote with:

Jerry Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

<del>SB 3</del>		
<del>SB 327</del>		
SB 307	X	
SB 030701 Ash	X	
<del>HB 513</del>		
SB 291	X	

as amended

Motion to table HB 513		X
HB 031301, asc	X	

Motion  
to table

Rep. \_\_\_\_\_

(Signature)

Date

3/17/11

Don Keene 01

## MONTANA House of Representatives Visitors Register

**Thursday, March 17, 2011**

**SB 338 - Revise laws regarding certain officials and public service announcements**

**Sponsor: Senator Ron Arthun**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**